

**STATE OF HAWAII
DEPARTMENT OF HEALTH
CLEAN AIR BRANCH
NOTICE AND FINDING OF VIOLATION**

TO: CTS Earthmoving, Inc. P.O. Box 470 Holualoa, Hawaii 96725 RESPONDENT	NOVO No. 14-CA-EO-04 <i>(Please write this NOVO number on all correspondence)</i> Re: Temporary Covered Source Permit ("CSP") No. 0475-01-CT Property/Facility: 357 TPH Crushing and Screening Plant
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR"), §11-60.1-2, and Temporary CSP No. 0475-01-CT, the Department of Health, Clean Air Branch ("DOH") issues this Notice of Violation and Order ("NOVO"). Based on an annual inspection and a records review of the facility, the DOH finds the following violation(s) alleged below. This case deals only with violations alleged below, and the DOH may bring other cases for other violations. This case does not limit cases by any other public agency or private party.

Statutes/Rules	HRS, §342B-11, HAR, §11-60.1-2, and Temporary CSP No. 0475-01-CT.
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Nature of the Violation	<p>RESPONDENT violated the following special conditions of Temporary CSP permit:</p> <ol style="list-style-type: none">1. Attachment II, Section D, Special Condition 1: Failed to maintain records, including support information, in a permanent form suitable for inspection and made available to the DOH upon request for calendar year 2013.2. Attachment II, Section D, Special Condition 3: Failed to maintain records for operating hours on each diesel engine and diesel engine generator for calendar year 2013.3. Attachment II, Section D, Special Condition 4: Failed to maintain fuel purchase receipts for calendar year 2013.4. Attachment II, Section D, Special Condition 6: Failed to maintain inspection, maintenance, and repair log for the permitted equipment for calendar year 2013.5. Attachment II, Section D, Special Condition 7: Failed to conduct the annual source performance test for calendar year 2013.6. Attachment II, Section D, Special Condition 8: Failed to maintain and provide the required monthly and annual visible emission observations on the crushing and screening plant and the diesel engines/diesel engine generators for the calendar year 2013.7. Attachment II, Section E, Special Condition 4: Failed to submit the Annual Emission Report for calendar year 2013 within sixty (60) days after the end of the calendar year.8. Attachment II, Section E, Special Condition 5: Failed to submit semi-annual monitoring reports for January to June 2013 and July to December 2013 within sixty (60) days after the end of each semi-annual period.9. Attachment II, Section E, Special Condition 6: Failed to submit the Compliance Certification for calendar years 2012 and 2013 within ninety (90) days after the end of each calendar year.10. Attachment III: Failed to submit the annual fee for operating in calendar years 2012 and 2013 within sixty (60) days after the end of the calendar year.
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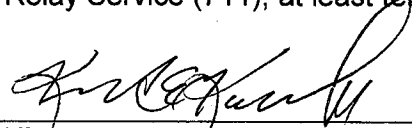
ORDER

You are ordered to:

1. Take corrective action within twenty (20) days after the receipt of this Order, to prevent further violations, if RESPONDENT has not already done so.
2. Within twenty (20) days after the receipt of this Order, notify the DOH of the corrective actions taken.
3. Pay an administrative penalty of **THREE-THOUSAND ONE HUNDRED DOLLARS AND NO CENTS (\$3,100.00)** for the above violations. **Within 20 days after the receipt of the NOVO**, send a certified check to: Clean Air Branch, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801. The **check should be made payable to the "State of Hawaii" and include the NOVO reference number stated above.**
4. Pay the outstanding annual fee of **ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00)** for the 2012 and 2013 calendar years. **Within 20 days after the receipt of the NOVO**, send a certified check to: Clean Air Branch, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801. The **check should be made payable to the "Clean Air Special Fund-NON" and include the NOVO reference number stated above.**

This NOVO becomes final and enforceable, and the penalty becomes due and payable 20 days after your receipt of this NOVO unless before the 20 days expire, you submit a **written** request for a hearing to the Hearings Officer, Department of Health, 1250 Punchbowl Street, Third Floor, Honolulu, Hawaii 96813 **and** to the Clean Air Branch, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801. In the request, include a copy of the NOVO. At a hearing, you may seek to avoid any penalty, and the DOH may seek the maximum penalty of Twenty-Five Thousand Dollars (\$25,000) per day, per violation. Parties may present evidence and witnesses on their behalf, and may examine and cross-examine all witnesses and evidence presented by the DOH. Parties may be represented by lawyers at their own expense, or they may represent themselves. Any hearing will follow HRS, Chapters 91 and 342B, and the DOH Rules of Practice and Procedure. After a hearing, the Director of Health or her appointee will decide the actual administrative penalty, which may be more or less than the penalty in this Order, or no penalty at all. If you have questions, please call Ms. Jill Stensrud, Supervisor of the Compliance and Enforcement Section, Clean Air Branch, at (808) 586-4200.

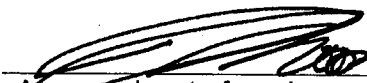
If you have special needs due to a disability that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least ten (10) working days before the hearing or pre-hearing conference date.



KEITH E. KAWAOKA, D. Env., Deputy Director
Environmental Health Administration

MAR 19 2015

Date



Approved as to form by:
William F. Cooper
Deputy Attorney General